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**OFFICE OF PETITIONS**

In re Application of  
Vernon Wong and Lin Peng  
Application No. 10/820,563  
Patent No. 6,369,116  
Filed: April 8, 2004  
Attorney Docket No. D3136CON1CIP RE  
Title: COMPOSITION AND METHOD FOR  
TREATING GLAUCOMA

DECISION NOTING JOINDER AND  
DISMISSING RENEWED PETITION  
UNDER 37 C.F.R. §1.47(A) AS MOOT

This is in response to the renewed petition under 37 C.F.R. §1.47(a)<sup>1</sup>, filed September 22, 2004.

On April 8, 2004, the reissue application was deposited, identifying Vernon Wong and Lin Peng as joint inventors. The application was deposited without a fully executed oath or declaration<sup>2</sup>.

With the filing of the reissue application, Petitioner submitted the original petition, the petition fee, and copies of various e-mails and letters. The original petition was submitted on April 8, 2004, and was dismissed via the mailing of a decision on August 27, 2004 for failing to meet the fourth requirement above.

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
  - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

<sup>2</sup> Joint inventor Wong did not execute the declaration.

With this renewed petition, an acceptable declaration has been submitted which has been executed by the formerly non-signing joint inventor.

This declaration has been reviewed and found in compliance with 37 C.F.R. §1.63.

In view of the joinder of the joint inventor, further consideration under 37 CFR §1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR §1.47(a).

The application file is being returned to Technology Center 1700 for further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



**Paul Shanowski**  
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**Office of Petitions**  
**United States Patent and Trademark Office**